THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.21085 OF 2005

Date:27.09.2005

Between:

D.Chandrasekhar Babu,

S/o.Venkateshwar Rao,

Officer, Sathavahana Grameena Bank,

Presently Manager (Planning),

Head Office, Karimnagar,

Karimnagar District

... Petitioner

AND

The Board of Directors,

Sathavahana Grameena Bank,

Karimnagar and another

... Respondents

ORDER:

The petitioner is employed as Manager in the Sathavahana Grameena Bank, Karimnagar, 2nd respondent herein. Disciplinary proceedings were initiated against him by issuing a charge sheet. Departmental enquiry was conducted and the enquiry officer submitted his report. Taking the same into account, the disciplinary authority issued a show cause notice, dated 25.04.2005, proposing to impose the punishment of reduction of pay by one stage for a period of three years without cumulative effect. The petitioner submitted his explanation. Thereafter, the disciplinary authority passed an order dated 08.06.2005,

imposing the said penalty. The petitioner challenges the same in this writ petition.

Heard the learned counsel for the petitioner and the learned standing counsel for the respondents.

It is not in dispute that the service rules of the
2nd respondent organization provides for an appeal against the order impugned in this writ petition. In fact, the same is indicated in the order itself. It is also brought to the notice of this Court that the petitioner had since availed the remedy. Learned counsel for the petitioner submits that the impugned order is so patently illegal and that it can be interfered by this Court, at this stage, without requiring the petitioner to undergo the ordeal of appeal.

It is difficult to accept such a contention. The appellate authority would be in a better position to appreciate the matter, duly verifying the relevant record. It would be competent for the 1st respondent to modify the punishment, even if it agrees with the findings recorded by the enquiry officer as well as the disciplinary authority. At any rate, the appeal preferred by the petitioner is already pending and propriety demands that the petitioner awaits the adjudication of the matter by the appellate authority. At the same time, the petitioner cannot be made to wait indefinitely.

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For the foregoing reasons, the writ petition is disposed of directing the 1st respondent to dispose of the appeal preferred by the petitioner against the order dated 08.06.2005, within a period of eight weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

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L.NARASIMHA REDDY,J

Date:27.09.2005

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